

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JOSE AMBIORIZ NUNEZ,

Defendant.

16-CR-819 (RA)

ORDER

RONNIE ABRAMS, District Judge:

On September 18, 2017, Jose Nunez was sentenced principally to a term of imprisonment of 120 months following his plea of guilty to charges relating to conspiracy to distribute heroin, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(a). At sentencing, the Court calculated Mr. Nunez's sentencing guidelines range at 151 to 188 months' imprisonment, based on an offense level of 34 and a criminal history category of I. *See* Dkt. No. 35. The Bureau of Prisons currently projects that Mr. Nunez will be released from prison on September 24, 2024. *See* Dkt. No. 46 ("Am. Report").

On December 27, 2023, Mr. Nunez filed a motion seeking for this Court to reduce his sentence pursuant to Amendment 821 to the Sentencing Guidelines, which went into effect on November 1, 2023 and applies retroactively. *See* Dkt. No. 45. The United States Probation Department has issued a report indicating that Mr. Nunez is precluded from obtaining a sentence reduction because he was sentenced to the mandatory minimum term of imprisonment and the Court is unable to impose a sentence below the statutorily required minimum sentence. *See* Am. Report at 2. The Court has since considered Mr. Nunez's submission and the record in this case and agrees with the Probation Department.

It is hereby ORDERED that Mr. Nunez's motion is denied, as he is precluded from receiving a sentence reduction below his mandatory minimum sentence. *See* 18 U.S.C. § 3582(c); *United States v. Rivas*, 808 F. Supp. 2d 603, 603 (S.D.N.Y. 2011).

SO ORDERED.

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line.

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Hon. Ronnie Abrams  
United States District Judge

Dated: January 25, 2024  
New York, New York